

IN RE: PETITION FOR ZONING VARIANCE
E/S Horn Avenue, 325' N of
the c/l of Penn Avenue
(9412 Horn Avenue)
11th Election District
6th Councilmanic District
Walter M. Snyder, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE CO.
Case No. 89-309-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window setback from the street right-of-way line of 22.6 feet in lieu of the required 25 feet and to amend the First Amended Final Development Plan of "Sharondale East" Lot 48 in accordance with Petitioner's Exhibit 1.

The Petitioners, by Dave Johnson, Executive Vice President for Columbia Homes, Inc., Builder, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 9412 Horn Avenue, zoned D.R. 5.5, is improved with an existing single family dwelling. Mr. Johnson testified the original building plans called for the subject dwelling to be built with an attached one car garage. However, at the request of Petitioners, a family room with a window was constructed in lieu of a garage. Mr. Johnson testified that Columbia Homes, Inc. authorized the substitution of the family room in lieu of the garage and did not realize until settlement on the property that the change resulted in a front yard setback violation. Due to the location of the dwelling on the lot, the family room window does not meet setback requirements thereby necessitating the requested variance. Mr. Johnson testified the granting of the variance will not result in any detriment to the health, safety or general welfare of the public.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of February, 1989 that the Petition for Zoning Variance to permit a window setback from the street right-of-way line of 22.6 feet in lieu of the required 25 feet and to amend the First Amended Final Development Plan of "Sharondale East" Lot 48 in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

-2-

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2c6 (V.R. 6A) CHOP... To permit a window setback of 22.6 feet from the right-of-way line in lieu of the required 25 feet. And to amend the First Amended Final Development Plan of "Sharondale East", Lot 48.

The house was sited with the intent of a one car garage, however, it was built with a family room option over the garage with a window in the front.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of February, 1989, at 2:00 o'clock P.M.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484-3353

J. Robert Haines
Zoning Commissioner

January 11, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-309-A
E/S Horn Avenue, 325' N c/l Penn Avenue
9412 Horn Avenue
11th Election District - 6th Councilmanic
Petitioner(s): Walter M. Snyder, et ux
HEARING SCHEDULED: TUESDAY, FEBRUARY 7, 1989 at 2:00 p.m.

Variance to permit a window setback of 22.6 ft. from the right-of-way line in lieu of the required 25 ft. and to amend the First Amended Final Development Plan of "Sharondale East", Lot 48.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Walter M. Snyder, et ux
File

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

October 3, 1988

ZONING VARIANCE

BEGINNING for the same at a point located on the westernmost side of Horn Avenue, 50 feet wide, said point also being located 480 feet plus or minus of the centerline intersection of Horn Avenue and Penn Avenue, thence bearing on the westernmost side of Horn Avenue northeasterly by a curve to the right having a radius of 500.00 feet and an arc length of 45.54 feet; thence North 30 degrees 35 minutes 00 seconds East 7.71 feet; thence leaving Horn Avenue North 59 degrees 25 minutes 00 seconds West 24.12 feet; thence North 80 degrees 27 minutes 28 seconds West 107.78 feet; thence South 09 degrees 32 minutes 32 seconds West 60.00 feet; thence South 80 degrees 27 minutes 28 seconds East 112.66 feet to the point of beginning.

Containing 0.1664 acres of land more or less.

BEING Lot No. 48 as shown on a plat entitled Plat One "Sharondale East" as recorded among the Plat Records of Baltimore County in Liber S.M. 55 folio 127, said lot being in the Second Election District also being known as 9412 Horn Avenue.



530 East Joppa Road / Towson, Maryland 21204 / (301) 563-9571

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 19, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 19, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN

S. Zabe On-line
Publisher

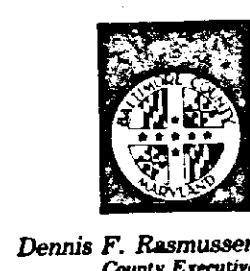
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th
Date of Posting: 1/15/89
Posted for: Walter M. Snyder, et ux
Petitioner: Walter M. Snyder, et ux
Location of property: E/S Horn Ave. 325' N c/l Penn Ave.
9412 Horn Ave.
Location of Sign: Front of property 15' from 22.6 ft. setback
Remarks: On file with J. Robert Haines
Posted by: J. Robert Haines
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484-3353

J. Robert Haines
Zoning Commissioner

Date: 1/30/89



Mr. & Mrs. Walter M. Snyder
9412 Horn Avenue
Perry Hall, Maryland 21236

Re: Petition for Zoning Variance
CASE NUMBER: 89-309-A
E/S Horn Avenue, 325' N c/l Penn Avenue
9412 Horn Avenue
11th Election District - 6th Councilmanic
Petitioner(s): Walter M. Snyder, et ux
HEARING SCHEDULED: TUESDAY, FEBRUARY 7, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Snyder:

Please be advised that \$89.36 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 065007

DATE: 1/30/89 ACCOUNT: 89-309-A

AMOUNT: \$ 89.36

RECEIVED FROM: Mr. & Mrs. Snyder

FOR: Walter M. Snyder, et ux (89-309-A)

8 BALTIMORE COUNTY, MARYLAND

VALIDATION OR SIGNATURE OF CASHIER

post set(s), there each set not

89-309-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your petition has been received and accepted for filing this
30th day of November, 1988
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Petitioner: Walter M. Snyder et ux Received by: James E. Dyer
Petitioner's Attorney: _____ Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300
Paul H. Reincke
Chief
December 29, 1988
J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204
Re: Property Owner: Walter M. Snyder, et ux
Location: E/S Horn Avenue, 325' N. of c/l of Penn Avenue
Item No.: 198
Zoning Agenda: Meeting of 11/29/88
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.
() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
() 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
() 6. Site plans are approved, as drawn.
() 7. The Fire Prevention Bureau has no comments at this time.
REVIEWER: *John E. O'Neill* NOTED & APPROVED: *John E. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division
/32

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
January 31, 1989
COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Ms. Anie Eisenbach
10480 Little Patuxent Pkwy
Suite 1250
Columbia, MD 21044
RE: Item No. 198, Case No. 89-309-A
Petitioner: Walter M. Snyder, et ux
Petition for Zoning Variance
Dear Ms. Eisenbach:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.
Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee
JED:dt
Enclosures
cc: Mr. & Mrs. Walter M. Snyder

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3554
January 17, 1989
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Dear Mr. Haines:
The Bureau of Traffic Engineering has no comments for item numbers 88, 186, 170, 193, 195, 197, 198, 201, and 203.
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II
MSF/LW

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
J. Robert Haines
TO: Zoning Commissioner Date: February 2, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
Zoning Petition Nos. 89-305-SPHX (GR7 Ltd.); 89-308-SPH (Jefferson);
SUBJECT: 89-309-A (Snyder); 89-212-A (Williams); 89-317-A (Thompson); and
89-334-A (Servary)
The Office of Planning and Zoning has no comment on the above listed projects.
PK/sf
RECEIVED
FEB 2 1989
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner
February 9, 1989
Mr. & Mrs. Walter M. Snyder
9412 Horn Avenue
Perry Hall, Maryland 21236
RE: PETITION FOR ZONING VARIANCE
E/S Horn Avenue, 325' N of the c/l of Penn Avenue
(9412 Horn Avenue)
11th Election District - 6th Councilmanic District
Walter M. Snyder, et ux - Petitioners
Case No. 89-309-A
Dear Mr. & Mrs. Snyder:
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.
Very truly yours,
Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County
AMN:bjs
cc: People's Counsel
File
Mr. Dave Johnson
Columbia Homes, Inc.
10480 Little Patuxent Parkway, Suite 1250
Columbia, Maryland 21044